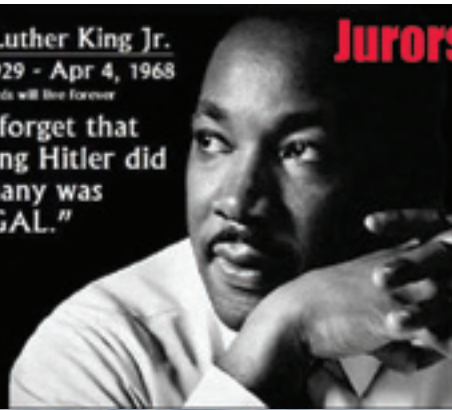




**Help for Gony Patients?**

Martin Luther King Jr.  
Jan 15, 1929 - Apr 4, 1968  
*His words will live forever*

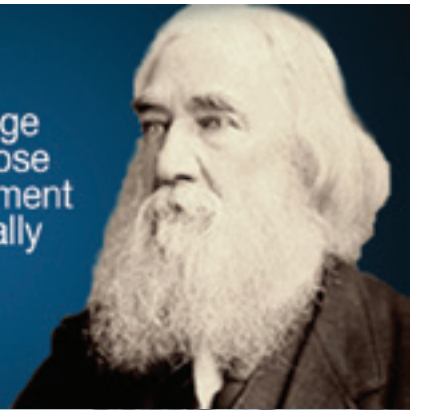
"Never forget that everything Hitler did in Germany was LEGAL."



**Jurors, stop being fools...**

If a jury have not the right to judge between the government and those who disobey its laws, the government is absolute, and the people, legally speaking, are slaves.

- Lysander Spooner



# NIAGARA FALLS REPORTER

**THE TRUTH IS ALWAYS FAIR**

FREE

MAY 12 - 18, 2016

VOL. 17, NO. 19

FREE

## In Niagara Falls, All Roads Lead to Robert Moses (i.e. Albany)



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# Dyster, DelMonte, Hoyt, Schoepflin: The Team To Lead Us To Prosperity?

## Mike Hudson

Together, they are responsible for the economic future of the \$100 million dollar business that is the City of Niagara Falls. Three term Mayor Paul Dyster, USA Niagara Chair Francine DelMonte, Empire State Development Corporation Senior Vice President for Regional Economic Development Sam Hoyt and Empire State Development Corp. Regional Director Chris Schoepflin have held the economic future of the city in their hands for years.

What qualifies them to do so? Has any of them ever built a hotel, run a factory or opened a restaurant? You can judge for yourself the results of their efforts, but today we'll try to find out exactly what Gov. Andrew Cuomo saw in each of these individuals to make him appoint them to their current positions or, in Dyster's case, enthusiastically endorse his candidacy.

### PAUL DYSTER

Prior to being elected mayor of Niagara Falls in 2007, Dyster's employment record might charitably be called "spotty."

His resume shows an eight-month hitch at Johns Hopkins University in 1980-81, a year-long gig with the Council on Foreign Relations in 1987-88, an assistant professorship in political science at the Catholic University of America from 1989 to 1993, a job that ran concurrently with his overseeing the graduate program at the Pentagon.

All of those jobs were in Washington D.C. What he did for a living between 1994 and his election to city Council in Niagara Falls is unknown. Likewise, it is uncertain what he did prior to 1980, when he was 26.

Dyster is a certified beer judge, has written the occasional article for the Home Wine



When Niagara Falls Mayor Paul Dyster goes to his Great Reward, the words "development genius" will appear nowhere in his obituary. Instead, it will just say "politician."

& Beer Trade Association's (HWBTA) newspaper and owns Niagara Tradition, a small retail store in Tonawanda that sells home brewing supplies and employs his wife, Becky, and other family members.

He was endorsed wholeheartedly by Cuomo in last year's election.

"Mayor Dyster has been a leader in transforming the downtown core, reconnecting the city with its waterfront and bringing new jobs to Niagara Falls," Cuomo said in a prepared statement. "I am proud to call Paul Dyster my friend and offer my endorsement of his candidacy for another term as mayor of Niagara Falls."

For the formerly underemployed Dyster, 62, being elected mayor of Niagara Falls was



USA Niagara Chair Francine DelMonte served in the Assembly of the highest taxed state in the USA, representing the highest taxed city in the state. Did this prepare her for a role in economic development for Niagara Falls.

the career move of a lifetime.

### FRANCINE DELMONTE

Like Dyster, DelMonte's primary life experience has revolved around politics. She parlayed a brief stint as a reporter at the Niagara Gazette into a job as an assistant to former state Assemblyman Joseph Pilitiere, getting him coffee and keeping his social calendar free of conflicts.

When Pilitiere announced his retirement in 1998, DelMonte announced her candidacy. DelMonte lost the Democratic Party primary to then-Niagara County Legislator Renae Kimble and ultimately ran on a third-party line, where she and Kimble were defeated by Robert Daly, who ran on the Republican



Empire State Development honcho Sam Hoyt was teary eyed a few years back after admitting to an "inappropriate" relationship with a young Albany intern. Now he's all smiles since he convinced Gov. Andrew Cuomo he knows the first thing about business!

ticket. Two years later, DelMonte ran successfully as a Democrat, defeating the incumbent Daly.

She lost the Democratic primary to former Niagara Falls City Councilman John Accardo in September 2010, and was unemployed until 2014, when Cuomo gave her the USA Niagara job.

With the exception of the short tenure at the Gazette, there is no record of her working anywhere outside of state government.

### SAM HOYT

Like DelMonte, Sam Hoyt worked briefly in the private sector – in the marketing de-

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## Timothy C. Lynch

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Empire State Development second banana Chris Schoepflin managed to hold down a private sector job with the Buffalo Sabres for a decade and has a degree in business yet is not known to have ever developed anything in the private sector.

partment of the Buffalo Bisons minor league baseball team – prior to his election to the state Assembly.

Unlike DelMonte, Hoyt had the advantage of having had his father William B. Hoyt, occupy the Assembly seat before him. In fact,

it was William B. Hoyt's untimely death in 1992 that forced the special election won by his son Sam, who then won election after election for nearly 20 years.

They'd have probably never gotten him out of there except that Cuomo offered him the Empire State Development Corp. gig, which paid a lot more, and constituted the "offer he couldn't refuse" for Hoyt, who has the governor's full confidence.

"Sam Hoyt has dedicated his life to serving the people of New York," Cuomo said. "During his almost 20 years in the New York State Assembly, Sam has proven to be a dedicated public servant who puts the needs of his constituents and community first. He has demonstrated the type of dedication and enthusiasm required for this new challenge."

CHRIS SCHOEPFLIN

Less is known about Schoepflin. He never ran for public office. Now the number two man under Hoyt at the Western New York offices of the Empire State Development Corp. he formerly held a USA Niagara job since the inception of that agency in 2001.

He worked for the Buffalo Sabres for a decade prior to that, and has a bachelor's degree in business administration from SUNY, which makes him the longest to hold a job in the private sector as well as the only one educated in something other than politics.

He is not known to have ever developed a single private sector project or a single job in the private sector.

"Chris Schoepflin is well qualified to lead the Western New York Regional Office

and will provide a regional perspective on economic development," said Empire State Development President Howard Zemsky. "With his experience leading the USA Niagara Development Corporation and familiarity with the regional council process and Buffalo Billion implementation, I am confident in Chris' abilities to advance our goals of fostering private sector growth, creating jobs and strengthening the economy."

Dyster, DelMonte, Hoyt and Schoepflin have all been working – tirelessly, they'd probably tell you – on economic development issues along the Niagara Frontier for the past 15 years, at least.

The results speak for themselves.

Each of them has the wholehearted endorsement of Cuomo, which can only make you wonder about the seriousness of the governor's intentions in Western New York.

Former New York City Mayor Ed Koch used to enjoy walking the streets of that town he loved, greeting people with a broad grin and the question, "How we doing?"

That's something you'll never see Dyster, DelMonte, Hoyt or Schoepflin do. Ever.



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- PROVIDING VETERANS TAX CUT

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BOARD OF EDUCATION



# City Administrator Owens On Way Out The Door?, Melson To Replace?

## Mike Hudson

Reliable City Hall sources told the Niagara Falls Reporter that controversial City Administrator Donna Owens will be leaving the job she's held since 2008. Her replacement is expected to be Niagara Falls Mayor Paul Dyster's secretary, Nick Melson, one source said.

Owens was hired following what Dyster said was a nationwide search to find the best and the brightest candidates to serve as department heads in his new administration. Previously, she had worked in Atlanta GA, and Baltimore, MD, in jobs that centered on the disposal of solid waste.

Her \$110,000 starting salary shocked many here, as it was more than what the Mayor of Buffalo or the Erie County Executive got. But Dyster said Owens would be worth every penny.

After awhile, the city Council didn't agree, and in 2012, her salary was slashed to \$70,000 over the mayor's objections.

In 2014, Owens championed the city's new garbage hauling contract with Modern Disposal. The new pact, designed primarily to increase the number of Niagara Falls residents who were recycling, was a fiasco from the start.

At an informational meeting in Council chambers that June, Lewiston resident and Niagara Falls businessman Craig Avery asked Owens about the simplest details of the plan, what the benefit to the city would be and what it would cost. She couldn't answer,

Avery then called for Owens to resign or be fired, and Owens turned on the audience. Again challenged by Avery and others, she



"I'm clean officer!" Nick Melson hams it up for the camera. Bright, personable, energetic, Melson is expected to be named as the new Niagara Falls city administrator, perhaps as early as this month.

burst into tears.

Billed as a cost savings of \$500,000 per year, the new garbage plan was so poorly conceived that it wound up costing the city more than \$500,000 than the old plan, reduced the amount of garbage the city would pick up from residents - so much so that the city had to employ full time Clean Team workers to clean alleyways and vacant lots where residents now dispose of garbage the city used to pick up - and threw thousands of businesses off the list of addresses serviced by curbside service.

Less service - more money - which described not only Owens' garbage plan but her entire tenure - as the first of the \$100,000 Dyster city hall employees in what is one of the poorest cities in America.



Soon to be former City Administrator Donna Owens was great at handing out proclamations, and did so by the wheelbarrow load during her years here.

During her time in Niagara Falls, Owens steadfastly declined to buy a house in the city, living instead in rented rooms at the Jefferson Apartments on Rainbow Boulevard owned by Shawn Weber, a Dyster campaign contributor and frequent recipient of city and state business loans and grants.

She rarely worked more than four days a week, and fled the city as often as possible for the home she kept in Atlanta.

Her possible replacement, Melson, is a seasoned political operative Dyster managed to lure away from Albany as his secretary just in time for last year's election.

Melson was very active as a taxpayer funded campaign director for Dyster last year.

Melson first became involved in politics here when he was 18 with an unsuccessful run for city Council. He later met then state Rep. Francine Del Monte and went to work for her as a political aide. In 2009, he ran unsuccessfully against Vincent Sandonato for the LaSalle seat in the county Legislature.

City Hall insiders agree that Melson couldn't possibly do a worse job than Owens, who became known as the "invisible administrator" due to her reticence about appearing or speaking in public.

Indeed Melson might do a very good job since he has a far superior grasp of the city and its operations, is bright, energetic and is already actually doing much of the work the city administrator should be doing by default anyway for the mayor.

While Owens had an extremely poor grasp of the duties of city administrator and even poorer communications skills, Melson is outgoing, responsive and intelligent with a fine grasp of the city and its needs.

While other names have been mentioned as possible replacements for Owens, Melson's already invaluable services to the mayor and the city, sources say put him in the lead.

Last month Dyster tried to give Melson a \$20,000 raise and create a sort of shadow deputy mayor position which was shot down by the council after an expose in the Niagara Falls Reporter.

If it comes off as our sources say, Owens' going and Melson's ascending to city administrator may be finally a move by Dyster that suggest after eight years his administration is ready to finally tackle and solve the issues facing this city.



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# State Orders City To Clean Up Illegal Dump, High Cost Expected

**Mike Hudson**

Following an expose in the Niagara Falls Reporter, the NYS DEC has ordered the city to close down and clean up an illegal dump near the Hyde Park Golf Course off Porter and New Road that the city has been using for years to dispose of street debris, dead animals, tree stumps, building materials and other detritus.

The makeshift landfill - formerly wetlands - has not been legally sanctioned and does not have containment mechanisms (like liners or containment walls) that landfills are required to possess.

The property was originally owned by the New York State Power Authority, but was deeded to the City after the 2007 relicensing of the power project. But the DPW began using the site long before - under former Mayor James Gallie, city sources told the Niagara Falls Reporter for an article that appeared on April 21.

Following the Reporter publication with pictures showing the site - said to be used for only compost - filled with all manner of illegally dumped street material including needles, used condoms, plastic, concrete,



This aerial shot of the city's illegal Porter Road dump shows the extent of the remediation that will be needed. Sources say the cost to taxpayers could be well over \$1 million.

metal, and more, The DEC inspected the site and made tests.

Within three weeks the site has been closed and this week concrete bollards have been installed by the city to prevent the site from being used as an illegal dump site.

The city will now have to take its street sweeping debris to the Modern landfill in Lewiston and will have to remove an estimated 100,000 yards of street sweepings already on site in addition to an estimated 500,000 yards of other illegally dumped debris to Modern at a cost that is estimated to be as much as \$1 million.

It may be more if testing requires special hazardous waste removal procedures.

Department of Public Works Director John Caso blamed individuals and private contractors for some of the mess.

"People are sneaking onto the site in the middle of the night and weekends to dump," Caso said. "Then there are fly by night contractors who don't want to dispose of construction debris properly because it costs money. We realize there are a lot of shingles on the site."

Now the state Department of Environmental Conservation has stepped in. The city's illegal dump covers acres of land, and it has been in use for a decade at least.

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# State DOT to Niagara Falls Tourists: "Get Out of Town!"

**James Hufnagel**

If the politicians are so determined to "remove" the Robert Moses Parkway, at a total cost of over \$60 million, why is there state Dept. of Transportation signage all over downtown Niagara Falls directing motorists to it, in effect urging people to traverse the city as if it's some kind of outback that needs to be exited as quickly as possible?

Built in the early 1960's, the Moses Parkway was intended to serve as a traffic artery west from the Grand Island Bridge, skirting the city to Lewiston, northern Niagara County and points east like Rochester, and in the other direction, a freeway for New York City drivers to access Buffalo, Cleveland and the Midwest. That's how "master builder" Robert Moses, in a characteristic fit of megalomaniacal grandiosity, envisioned it. Of course, that's not how it turned out.

Two decades later, around the mid-1980's, an entire section of the parkway slicing through Niagara Falls State Park, bisecting the Olmsted-designed nature preserve, was shut down and partially removed. Another fifteen years passed before, pursuant to implementation of the Parkway removal "pilot project", two of four north section lanes along the Niagara Gorge were closed to vehicular traffic and the speed limit lowered. It's been a lurching, piecemeal and agonizingly slow process attempting to repair some of the enormous damage Robert Moses inflicted on the city of Niagara Falls.

Today, the Robert Moses Parkway is redundant (running parallel to the 190, Lewiston Road and Buffalo Avenue), obtrusive (blocking the city off from its waterfront), and expensive (after more than five decades, needing extensive maintenance). It's a white elephant that lowers property values, degrades the environment, negatively impacts quality of life and diverts traffic from the downtown Niagara Falls business district.

The parkway has survived well into the 21st century, and over two decades of public demands to remove it, because it serves two purposes: the south section provides a driveway directly to the parking lots of the Niagara Falls State Park, which generate millions in revenue for Albany every year, while the north section acts as a shortcut for the affluent northern suburb of Lewiston, reducing the commute time into the city by a minute or two. As state DOT studies show, approximately 9 of 10 vehicles presently use alternative routes, not the parkway, to make the trip to the Falls and Buffalo, so its functionality as a transportation link is practically nil except for the enrichment of Albany and the narrow self-interest of a handful of Lewiston commuters.

Since Niagara Falls residents know where the north and south parkways are located, and how to get to them, it stands to reason that the numerous signs extant in downtown Niagara Falls, facilitating quick egress on the state's parkway, are for the benefit of tourists who accidentally wander into the city after having spent all their vacation money park-

ing, sightseeing, purchasing gifts and souvenirs, riding Maid of the Mist and eating at one of several Delaware North fast food outlets in the state-owned and operated Niagara Falls State Park.

Moses Parkway removal has perennially been on the to-do list of Mayor Paul Dyster's top campaign promises. In fact, despite receiving BA and Master's degrees in political science as a young man, he's claimed repeatedly over the years that it's one of the main reasons he got into politics. Failure to execute on parkway removal is substantially why a majority voted against him last November.

To answer the question at the top, the signage persists because the Robert Moses Parkway isn't going anywhere. The south section between the Grand Island bridge and the Niagara Falls State Park was recently upgraded. Sold to the public as "removal", a short segment of the waterfront-hugging highway was reduced to two lanes with a lowered speed limit as it approaches, then bypasses, downtown Niagara Falls on its way to the state park.

Likewise with the north section. A small,

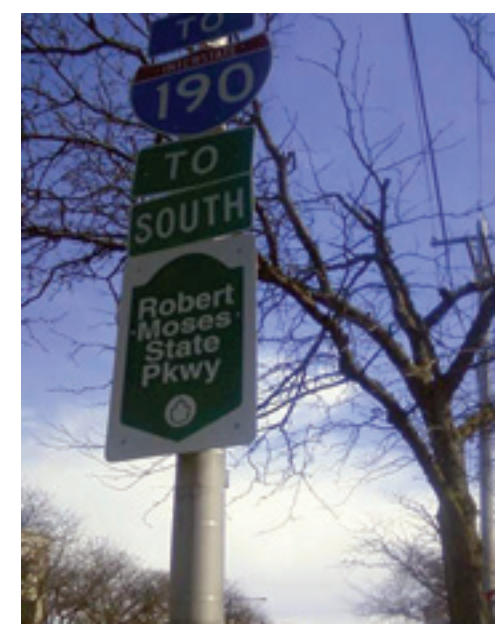
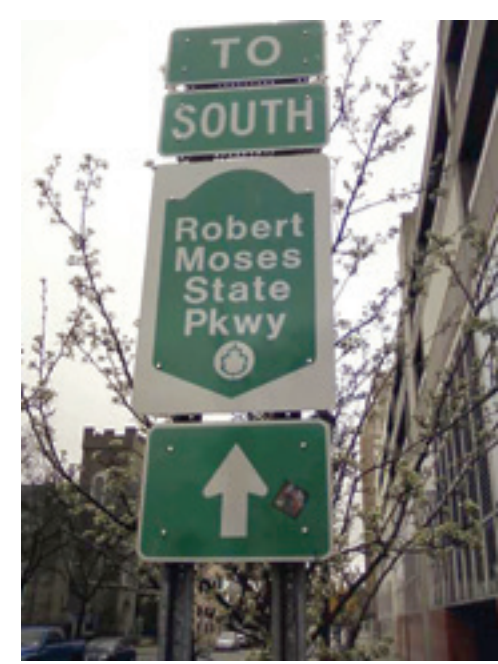
insignificant length of parkway up to Whirlpool State Park is slated for removal two years from now, in the spring of 2018, to be replaced by a renovated Whirlpool Drive, which runs alongside. The greater portion of the north Moses Parkway will be left intact, or more likely, significantly improved to mollify disgruntled Lewiston commuters, who must be catered to. Even though it won't impact their drive at all, any encroachment on their precious parkway will prove disconcerting to the entitled few.



Signs everywhere downtown lead tourists one way -- out of the city proper to where Albany wants them - along the Robert Moses - the state driveway that leads them to paid parking, souvenirs, restaurants and paid attractions inside the Niagara Falls State Park.



All roads lead to... the Robert Moses Parkway. State signage located on downtown streets practically begs visitors to "Escape from Niagara Falls". Spend money in Niagara Falls State Park, not the city, do not pass GO, go directly to the Moses Parkway.



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## Ahlas Seek Seat On Lewiston Village Board



Keith "Casey" Ahlas is running for Trustee on the Village of Lewiston Board in the election to be held on Tuesday June, 21st. Ahlas was selected as a candidate during a recent caucus of Democrats from the Village.

Ahlas has been a resident of the Village of Lewiston for fourteen years. He lives with his wife Michelle and stepson Brandon. Ahlas works as an analyst for Livingston International, one of North America's leading providers of customs brokerage services.

Ahlas has been active in the political process,

working on campaigns and helping with petitions. He previously ran for the Lewiston Town Board. "I am a concerned citizen, who, like so many of us, has become disenchanted with the political process and how things are run," Ahlas said. "I am running to make a difference."

Ahlas wants to bring more participation in Village government. He is calling for more listening from elected officials. "My goal is to be more accessible to people and their genuine concerns," Ahlas said.

The candidate cites the problem of the lack of parking at outdoor summer events in Lewiston, especially for people with disabilities. Ahlas is disabled himself. "With all of the progress being made with new businesses and more visitors, this is certainly an issue that affects me directly. I try to attend as many events as I can, and my wife and I enjoy frequenting the fine restaurants and businesses we have. But adequate parking is always a struggle."

Ahlas hopes to make a difference on the Village Board. "I find Lewiston to be a great area to live in and raise a family and I want to contribute to that in the best way possible."





# ELECTION DAY NOTICE

## TUESDAY, MAY 17, 2016

### SCHOOL ELECTION/BUDGET VOTE NOTICE



POLLS OPEN FROM NOON TO 9:00 P.M.  
POLLING SITES

“VOTE AT YOUR GENERAL ELECTION POLLING SITE”

SCHOOL ELECT. DISTRICT	GENERAL ELECT. LEG. DIST./ ELECT. DIST.	LOCATION	
1	3: 1,11	Board of Education Admin. Bldg.	630 – 66 <sup>th</sup> Street
2	3: 2,3	St. John DeLaSalle	8469 Buffalo Ave.
3	3: 4,8,13	Grace Lutheran Church	736 Cayuga Dr.
4	3:5	LaSalle Senior Citizens Ctr.	9501 Colvin Blvd.
5	3: 6,7	Geraldine J. Mann School	1330 – 95 <sup>th</sup> Street
6	3: 9,10	79 <sup>th</sup> Street School	551 – 79 <sup>th</sup> Street
7	3:12	Community Education Center	6040 Lindbergh Ave.
8	4:1	St. John AME Church	917 Garden Ave.
9	4: 2,4	V.F.W. Post 917	2435 Seneca Ave.
10	4:3	Wrobel Towers	800 Niagara Ave.
11	4: 5,6	Niagara Falls Public Library	1425 Main Street
12	4: 7,8	Niagara Arts & Cultural Ctr.	1201 Pine Ave.
13	5: 1,2,3	St. Raphael Parish Center	1018 College Ave.
14	5: 4	Spallino Towers	720 Tenth Street
15	5: 5,6	John Duke Senior Citizens Ctr.	1201 Hyde Park Blvd.
16	6:1	Hyde Park School	1620 Hyde Park Blvd.
17	6: 2	Gaskill Prep School	910 Hyde Park Blvd.
18	6: 3,4,8	Cristoforo Colombo Society	2223 Pine Ave.
19	6: 5	City Hall	745 Main Street
20	6: 6,7	Niagara Street School	2513 Niagara Street
21	6:9	Packard Court Community Center	4300 Pine Ave.
22	6:10	LaSalle Prep School	7436 Buffalo Ave.

**Handicapped Accessible – Regular Polling Sites Used in General Election**

## PROPOSITION NO. 1 - GENERAL BUDGET

Shall the following resolution be adopted to-wit:

Shall the Board of Education of the City School District of the City of Niagara Falls be authorized to expend the sums set forth in the proposed 2016-2017 budget in the total amount of \$137,055,127 and to levy the necessary tax?

### CANDIDATES

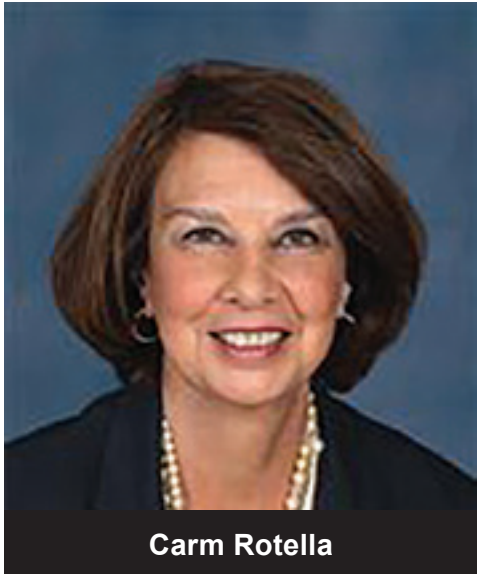
- 1A. DIANE QUARANTELLA
- 2A. ROBERT M. RESTAINO
- 3A. CARMELETTE ROTELLA
- 4A. JOHNNY DESTINO
- 5A. EARL F. BASS

Registered Voters may vote on the Budget for the School Year 2016/17, and vote for a maximum of TWO candidates to be elected as members of the Board of Education, Niagara Falls, New York. The two candidates receiving the highest number of votes cast will each serve a full five (5) year term beginning July 1, 2016.

BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT  
THE CITY OF NIAGARA FALLS, NEW YORK  
RUTHEL D. DUMAS, CLERK  
(Questions or Concerns CALL 286-4204, 286-4116, or 286-4211)

FOR RESULTS After 9 p.m.  
CALL 286-4296

## Rotella: Community Involvement in Schools Critically Important



Carm Rotella

As we moved through the budget process this year, the needs of taxpayers, parents, and students had to be considered. Our commitment to students is to ensure that every student graduates globally competitive and ready for tomorrow's careers. The funds required to offer a high quality, equitable education are considerable but are essential to their future and ours.

Obviously, the Niagara Falls School District faces many challenges. District enrollment has dropped, we face a shrinking tax base and inadequate funding from the State of New York. Forty-five percent of children entering kindergarten in our District are below the national norm in language arts and math. Free and reduced lunch rates are used to define poverty level for a school

district. Currently, approximately, 75% of our students qualify. As a result, all of our students receive a free breakfast and lunch. Finally, it is true that education costs more than it did years ago. State mandates, the need for current technology, and the need to maintain our facilities and grounds costs money.

Between 12 noon and 9 p.m. on Tuesday May 17th, residents of Niagara Falls will be asked to vote on the NFSD budget for 2016-2017. This year's budget is \$137,055,127. There is NO INCREASE in the tax levy. The District has worked hard to reduce cost, including a single provider health insurance, consolidating buildings, enacting energy efficient measures, and streamlining departments wherever possible. Due to

our poverty level, 76% of the school district's budget comes from the state while 20% comes from local property tax. This year because state funding came in at a better level, we do not have to cut for financial reasons - not programs, not staff. When you go to the polls this year, you will be able to vote on a budget that has no negative impact and that has the commitment of the Board of Education, the administration, the teachers and staff, to providing the best possible educational environment for our children.

Community involvement in the schools is critically important. Casting your vote on the budget proposition is an important way to participate in ensuring the future of our school district, our community and our children.

## The Constant Battle For Open Government

Paul Wolf, Esq.

As a concerned citizen I spend time educating myself about what is going on in the Buffalo/Niagara area. I read newspapers, blogs, and follow the meetings of local government bodies. It is truly amazing how much time and effort it takes to obtain basic information and how unresponsive many government officials are.

Citizen Emails Should Be Acknowledged

Maybe it's just me, but very few elected officials will acknowledge an email that I have sent. Not even a simple thank you for contacting my office. Recently, I drafted a resolution that interested local officials could file in support of reforming campaign finance laws at the state level. I forwarded the resolution to 201 elected officials in Erie and Niagara Counties by email and only received a response from four people! Three elected officials from the city of Lockport responded Anita Mullane, David Wohleben and Mark Devine, as did Amherst Town Board member Steve Sanders. I would like to publicly thank them for their responses.

Why Is Obtaining Mayor Brown's Schedule So Difficult?

Every year I request a copy of Buffalo Mayor Byron Brown's schedule. Citizens have the right to see who elected officials are meeting with and what events they attend. On February 8, 2015, I submitted a request for the Mayor's 2014 schedule, which should not be a difficult task to complete. Last year it took eleven emails and five months to obtain Mayor Brown's schedule. This year I started on January 26, 2016, and after nine emails and three months of effort, I obtained the Mayor's schedule.

I must compliment Erie County Executive Mark Poloncarz as obtaining a copy of his schedule has always been an easy process, accomplished with one email in less than thirty days.

Speaking at a Town Board Meeting Should Not Be A Fight

Recently I took the time to attend an Amherst Board meeting because I wanted to speak in opposition to the Supervisors attempt to eliminate the Open Government Advisory Board, which I helped to create. I arrived at the meeting a few minutes after 7:00 and signed up to speak. As I had emailed town board members about the issue I planned to speak about the Supervisor knew why I was interested in speaking. When it came time for citizens to speak the Supervisor did not call my name and refused to allow me to speak because in his opinion I signed up too late.

As speakers are limited to three minutes it would not have been a big deal to let me speak. Although I took the time to attend a meeting as a concerned citizen to talk about open government of all things, the Supervisor refused to let me speak.

Meeting Minutes Should State Something

The Erie County Charter Revision Commission is a body appointed by members of the Erie County Legislature to recommend changes to the County Charter. The Charter governs how the county operates and the powers possessed by the County Executive and the Legislature. Being the government geek that I am I went to the Commission's web page to read their meeting minutes. I have read meeting minutes from government bodies all across New York State and by far the Charter Commission minutes are the worst I have seen. The minutes simply state that reports were heard from various committees. A summary of what topics were discussed or a committee report are not attached. As a concerned citizen I could not figure what the Charter Commission was up to in any way.

I emailed every member of the Charter Commission expressing my concern regarding how the meeting minutes were done. After a week of not receiving any response to my email I contacted the County Attorney's Office to no avail and then I contacted the Clerk of the County Legislature. Finally, after eleven days the Chairman of the Commission

acknowledged my email but no changes were made as to how the minutes were done. Through a Freedom of Information request I was able to obtain audio recordings of the Commission meetings. Given how poor the meeting minutes were I asked the Commission members to post the audio recordings on-line

for interested citizens to listen to. That request was ignored as well.

Government bodies claim that they are interested in hearing from citizens but it sure does not seem to be true. Having responsive and open local government should not be a constant battle.

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## Restaino: Goals Include Increased Outcomes for African and Hispanic Young Men



**Robert Restaino**

In my first term as a member of the Niagara falls School Board I have had the opportunity to work with some tremendously talented and dedicated administrators, teachers and staff, who, along with my fellow board members are committed to providing the best learning environment for our students.

During this term we approved and have

recently accomplished the completion of our award winning “Inventing Tomorrow” capital project that delivered necessary renovations to every school building, provided STEM (Science Technology, Engineering and Math) classrooms in every school – increasing our ability to provide 21st century education to our children in an increasingly technology driven world, created a world class sports complex for our student athletes and, as a by-product of our project, generated nearly 400,000 labor hours for our skilled trades and labor unions – totaling nearly \$38 million in labor wages and an additional \$26 million in local business support. All of this being accomplished without imposing any increase on local property taxpayers!!

During my first term we instituted our Early College Program, giving first time college students in a family the opportunity to earn college credits while in high school, helping to reduce the cost of college education for families while allowing our students to fulfill their dream of a college degree. Additionally, I am proud to have been a part of the expansion of our Pre-K program to include a separate program for 3 year olds,

giving parents and teachers the ability to begin the education of the child earlier so as to maximize the opportunity for the child to reach his/her potential.

Financially, I have worked with other board members and the administrative staff, to keep the cost of our programs affordable for our property taxpayers. From restructuring staff to reviewing and refinancing our bonds to lower interest rates, I have worked to keep expenses down. As a member of the board I have been committed to keeping our programs affordable, looking for partners in the community, and at other levels of government, to help share the costs where permissible.

For the coming term my goals include working to increase outcomes for African-American and Hispanic young men in our district – as statistically this segment of the student population lags behind all others. It is my hope to capitalize on a conversation I began in late 2014 with others in NYS to advance the program initiated by the federal government titled “My Brother’s Keeper”. It is a program focused on family and community engagement, professional development and mentoring aimed at

closing the persistent gap in educational achievement and opportunity in this segment of the student population. I am happy to say that after more than a year of fighting this program is now funded in the current NYS budget.

Our school district provides a sizeable share of the funding to the county BOCES program and I am proposing that we examine the delivery of some of the available vocational training courses here in Niagara Falls. I intend to work with our BOCES representative to push for this item so as to increase our students’ opportunities and expand on the great successes already achieved through the BOCES program.

Through my service as an attorney for children in our city, a community volunteer and a lifelong resident of Niagara Falls who grew up in Packard Court to become the first attorney in our family, I believe that my energy, focus and purpose are committed to Niagara Falls and the achievement of our school district mission: Learning For All... Whatever It Takes. On Tuesday, May 17th I would ask for your vote, to help me continue working for you and for the children of our community. Thank you for your support.

## Why We Need to Explore the Health Care Consortium



**Guest View by  
Kenny Tompkins**

Imagine if you had a terrible disease and the doctor provided a treatment that would help alleviate some symptoms? Wouldn't you explore it? Or would you let that option sit for two years because you worried that you might have to give up something, all the while letting your symptoms get worse? Would you assume it wouldn't work without asking questions?

This is what has happened in Niagara Falls. For two years, we've had an opportunity to explore participation in a health care consortium with other municipalities in Niagara County. During those two years, our city's health care committee, comprised of administration and union representation, has refused to explore the options available to treat the growing health care costs. These are costs that are contributing significantly to the city's \$7 million structural deficit and the absorption of most of the casino funds into our annual budget. They refused to even investigate if this “treatment” for our fiscal

illness would be more “helpful” or “hurtful.”

Right now, joining this consortium could lower our city's health care costs by 13%. THIRTEEN PERCENT. Health care premiums are one of the city's largest single expenses at \$17 million a year. This covers not only city employees and their families (including police and fire), but also retirees.

This cost will inevitably continue to rise over the coming years.

Can we really afford to ignore the possibility of saving \$2 million a year?

Until May 2, the city council had not heard from Town of Somerset Supervisor Dan Engert, who has been coordinating this effort across Niagara County since 2014. When I invited Mr. Engert to deliver a presentation to the council on the Niagara County Health Care Consortium at the May 2 meeting, I intended for us to objectively explore the immense savings potential our neighbors in Niagara County have been surveying for two years now.

Let me be clear: I am not discounting the concerns of the health care committee nor the unions. I understand there are concerns and questions that need to be addressed. We need all stakeholders to feel confident that this decision is something that is in their best interests. But how can we learn the answers if no one wants to even listen to the opportunity? Why has the health care committee steadfastly refused to even explore the option? This never been explained to council or the public. Why hasn't the administration studied this issue until now?

My understanding is the consortium members, which by law includes labor representation, are the deciding body regarding benefits. The plans are designed to provide the same level of benefits that were negotiated as part of collective bargaining agreements. In other words, current plan participants won't see the differences. The

city's budget, however, will see the difference as will the tax payer.

As lawmakers, we have a sworn duty to protect the interests of all parties in the city--- both employees and residents. Tax payers who can barely afford their own insurance premiums are frustrated at the rising costs.

We can no longer afford to stall this process.

We need to act now.

We have until May 31 to join the consor-

tium. I am urging my fellow council members to vote in favor of a resolution that allows us to participate as of the next meeting. I welcome input for union members and others who have a vested interest in what this plan offers. I want the best for our city's hard working employees. I also believe we have a fiscal responsibility to our tax payers to at minimum be included in this group.

We cannot lose by exploring this. In fact, we could gain \$2,000,000. The only losing answer is to continue to do nothing.

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# Destino: A Plan For Success



**Johnny Destino**

and Technical Education.

The current Niagara Falls school board takes little interest in promoting the many amazing opportunities BOCES offers. Back in early February, I invited the board members to visit the Niagara Career and Technical Education Center in Sanborn. Of the nine members on the school board, only one member - Anthony Paretto - took me up on my offer.

My plan is to start bringing all of our middle school children to BOCES so that they may tour the facilities, see what alternate career paths exist in their future, perhaps giving hope to those who decide that college is not in their plans. And for every dollar we spend on BOCES, NYS reimburses the district approximately 85%.

Additionally, as the student enrollment increases in the CTE programs, it will be necessary for BOCES to lease additional space to teach the programs. If Niagara Falls, as the largest component district of ON-BOCES, seriously increases their enrollment figures, there is no reason we couldn't find space in one of our buildings to lease back to BOCES (thereby bringing some of the BOCES-aidable funds right back to the district!)

The Niagara Gazette had it wrong in today's paper that all of the candidates dismiss

the school district's poor WNY ranking (92 out of 96). It's embarrassing and I won't dismiss it, as the others have, by blaming our failures on poverty. Our poor graduation rate would be substantially improved if we showed some of our children that there is hope for a successful future.

There is currently a project underway to help people learn a trade and gain an apprenticeship with one of the local building trades unions. The Isaiah 61 group has shown terrific promise in being able to change the lives of so many of our local citizens. But why are we waiting until our children drop out of school before we start trying alternative pathways to success?

Students who complete the BOCES training programs graduate at a 98% rate. Many of these students would have not had the same measure of success if they had stayed in a traditional High School curriculum. Plus, they graduate with the skills necessary to begin a successful career immediately upon graduation.

I am serious about improving the opportunities for the children of Niagara Falls and I am asking everyone who wants to help to please vote for me on Tuesday, May 17.

Thank you,  
Johnny Destino

I am getting a lot of feedback about my plan to increase vocational education for the students of Niagara Falls and I want to clarify one misconception regarding the costs.

I am not proposing Niagara Falls build and operate its own vocational high-school as we have in the past, but to better utilize our relationship with Orleans-Niagara BOCES.

As your BOCES board member for the past three years, I've worked hard to expand access for training programs for adult and continuing education learners. Now we need to focus on making our younger students aware of the opportunities that exist in Career



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# Raising the Jury from the Dead

**Jim Ostrowski**

Jurors in this state and throughout the United States are firmly told by judges they must follow the judge's instructions "on the law," but in so doing, are the judges themselves following the law?

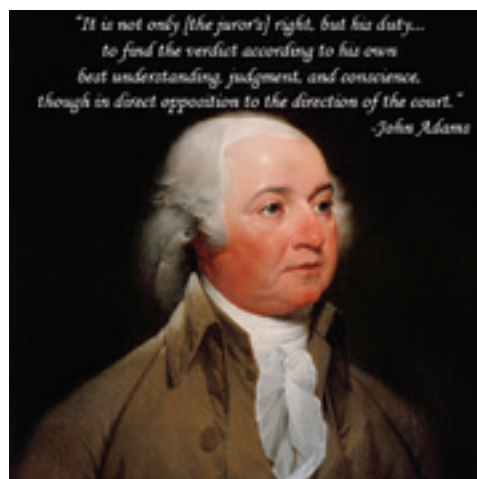
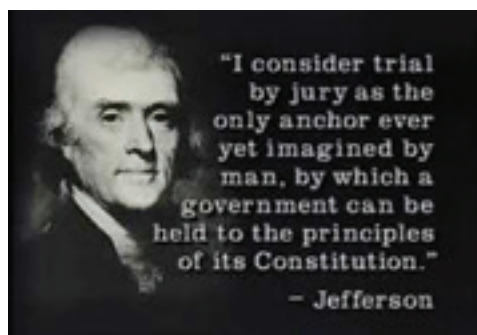
Keep in mind that jurors are constitutional officers! That's right. You folks are there in both the state and federal constitutions. Yet, you are treated like school children in court and ordered to do this, that or the other thing by various court staff and judges themselves. Where do they get the authority to do that?

The state constitution states at Article I, §2: "Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever . . ." Article I, §6, states: "No person shall be held to answer for a capital or otherwise infamous crime . . . unless on indictment of a grand jury . . . The power of grand juries to inquire into the wilful misconduct in office of public officers, and to find indictments or to direct the filing of informations in connection with such inquiries, shall never be suspended or impaired by law."

The federal Constitution states at Amendment Six: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed . . ."

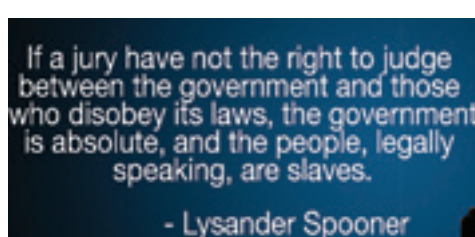
These constitutions have never been amended to change the meaning of the word "jury", yet the meaning has changed nevertheless. That's strange. Can we all agree that if the government can change the meaning of the word "jury" by non-constitutional means, the right to trial by jury has been infringed? Let's say for the sake of argument that the government decided to change the meaning of the word "jury" to "twelve sheep who do what they are told by their boss, the judge." Surely, we can't allow judges to play word games with the Constitution. However, that is exactly what we have done.

Let's go back to why we have juries in the first place. The Founders had a cynical view of government as a constant threat to abuse its monopoly power. Juries were a counter-



measure. Not being part of the government, they broke up the monopoly of power that leads to corruption. Yet, government agencies including courts are jealous of their power and judges have used their superior knowledge of the law and their professional status, i.e., full-time, paid positions, to defeat the original intent and nature of juries and turn them into the passive and docile creatures they too often are today.

In two important court decisions, which I critiqued in detail in a law review-type article, judges usurped the ancient powers of juries to override the law when the law was either intrinsically evil or when the law was being applied in such a way as to work an injustice under the particular circumstances. See, *Duffy v The People*, 26 NY 588 (1863); *Sparf v United States*, 156 U.S. 51 (1895); "The Rise and Fall of Jury Nullification," *Journal of Libertarian Studies* (2001). At the time the Constitution was ratified, the greatest lawyers among the Founders held that juries could override the law when they saw fit to do so. That list includes: John Adams, Thomas Jefferson, John Jay, and Alexander Hamilton. Adams wrote: "It is not only [the juror's] right,



but his duty . . . to find the verdict according to his own best understanding, judgment, and conscience, though in direct opposition to the direction of the court." Hamilton wrote: "... in criminal cases, the law and fact being always blended, the jury, for reasons of a political and peculiar nature . . . is entrusted with the power of deciding both law and fact."

Both of the cases that trashed the Constitution and overruled the Founders are fallacious and neither discussed the Constitution. No shock there as the judges were deciding to take power away from juries and allot it to themselves. Judges are great at disguising a naked power grab in legalese.

The result of these cases is that juries by and large no longer serve as a check on the power of judges, prosecutors and the police, all of whom therefore wield tremendous and often unchecked powers over the citizenry. Judges and prosecutors are largely immune from suit and, having generally been installed into office by the power elite, are rarely held accountable for their behavior by the public. We have seen recently that prosecutors can engage in endless and sweeping investigations of citizens. These investigations use seemingly limitless resources and personnel, last for years and often involve a review all of the suspect's papers and digital records, contrary to the whole point of the Fourth Amendment—to ban general searches. Often, the original impetus for the investigation turns out to be bogus but is used as an excuse

to review every tiny detail of a person's life to see if he or she violated any of the thousands of pages of inscrutable laws and regulations the progressive state has foisted on us whether we know them or not. The Javerts of the world will parrot the idiotic cliché, "Ignorance of the law is no excuse." Jean Valjean might reply, "Of course it is, you fool!"

Again, unlike you and I, prosecutors can't be sued. They are rarely held politically accountable. Their job security is Politburo-like. They are rarely if ever disciplined by the authorities for ethics violations. They are therefore free to engage in ruthless political witch hunts or retaliation against political foes with impunity.

Is there any way to rein them in? Yes. Juries need to re-discover their rich legacy of defending liberty in America, dating back to Colonial times. They need to recognize that judges have usurped their lawful constitutional authority. They need to fight to get it back. It won't be easy. The regime will fight back and hard. I advise against any acts of civil disobedience. I advise you to follow all lawful orders and not to get embroiled in legal problems.

I recommend fighting back using lawful tactics only. Be creative. Use your imagination. Be inspired. What would happen, for example, if a juror asked a judge a question: "Your Honor. If we are constitutional officers, what gives you the right to tell us how to decide a case? Where does the Constitution give you that right? Were Jefferson and Hamilton wrong on this point?" To the best of my knowledge, asking questions is still legal in the United States. When it becomes illegal it just might be time to take strategy to another level entirely.

Grand jurors may have even more wherewithal to challenge the authorities. They are given explicit power to investigate the willful misconduct of public officials. They may wish to start by investigating this instance of misconduct: how juries were stripped of their lawful constitutional authority by judicial fiat. Fasten your seatbelts!

Jim Ostrowski is a trial and appellate lawyer in Buffalo, NY. He is CEO of Libertymovement.org and author of several books including *Progressivism: A Primer on the Idea Destroying America*.

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# Britain Stops Sale Of Rare Falls Painting You Can Buy It, But It Stays In London

**Mike Hudson**

The auction house sale of an 18th Century watercolor painting of Niagara Falls in London last month sparked a minor international incident that raised questions of cultural heritage and free trade.

The small painting, "An East View of the Great Cataract of Niagara," depicts a horseshoe of plunging water, the ever-present rainbow, autumnal woodland and two Native American people in elaborate dress. It was painted in 1767 by Capt. Thomas Davies is believed to be the first depiction of the natural wonder by someone who actually saw it.

Both the Canadian and American shorelines are clearly visible in the work.

In April, it was auctioned for \$211,421 at an Christie's London sale. Previously, it had been in the collection of Peter Winkworth, an eccentric British millionaire with an all consuming interest in things Canadian.

An anonymous North American buyer was the high bidder, but the sale immediately raised concerns with the British Reviewing Committee on the Export of Works of Art and Objects of Cultural Interest (RCEWA), which recommended an export bar.

According to British Culture Minister, Ed Vaizey, the export bar was issued on the



The British government banned the export of this small watercolor, "An East View of the Great Cataract of Niagara," by an anonymous North American buyer who won it at a Christie's London auction. Painted in 1767 by Capt. Thomas Davies, it was deemed an essential part of Britain's cultural heritage.

grounds of the work's "close association" with British history and life, and its significance for the study of Britain's history in the fields of "18th-century exploration, scientific and

military endeavor."

The painting also has a wider significance, Vaizey said. "This watercolour painting not only provides us with the first glimpse of Niagara Falls, but it also sheds light on Britain's achievements in 18th-century exploration, military and topographical art.

"I hope that the temporary export bar I have put in place will result in a UK buyer coming forward and that the watercolour will be available for all to better understand Britain's global role in the 18th century."

This week, it was announced that a British buyer had been found, the taxpayers of Merry Old England.

The National Army Museum ponied up \$219,070 to acquire the painting, according to a report Tuesday in the U.K. Guardian newspaper.

Ian Maine, assistant director of the museum, called it "a fantastically important piece of military art", not just as the earliest view of one of the famous falls, but as evidence of relations with the indigenous peoples, some of whom sided with the French, some with the British.

The museum, which has a vast art collection, is currently closed for a major redevelopment project but will reopen next year.

Davies (1737-1812) was a Royal Artillery officer who served four tours of duty in North America between 1757 and 1790 – a tempestuous period covering the period of the war of independence which lost Britain the United States, but also the victories of General Wolfe over the French that secured Canada. He studied drawing and recorded military operations in watercolors during the North American campaigns.

Elected to the Royal Society in 1781, Davies' style combines the precision of military artists with the skills of naturalists.

Outside the United States, the concept of "cultural heritage" has taken hold, and most countries around the world have laws in place to prohibit the export of art and artifacts deemed significant by local experts.

The laws were enacted during the second half of the 20th century, mostly in reaction to the wholesale looting perpetrated by private collectors and museums in countries such as the United States, France and, ironically enough, Great Britain, of ancient Greek, Roman and Egyptian masterpieces.

Even more ironic may be the fact that a painting executed in Ontario, of a natural wonder owned jointly by the United States and Canada, could be deemed culturally significant in England, a country more than 4,000 away.



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The old religions said that he was an atheist who did not believe in God. The new religion says that he is the atheist who does not believe in himself.  
-Swami Vivekananda

# Four Hundred Years Of Art Depict Niagara Falls As Scene Of Wonder



William Morris Hunt gave Church a run for his money in the 19th Century, as seen here is his 1874 oil, Niagara.



Although often attributed to Father Louis Hennepin, this 1683 woodcut was actually the work of an anonymous artist working his French publisher, and based on Hennepin's written description of the falls.



The falls continue to spark the creative imagination, as seen in this 2010 depiction by Niagara Falls artist Ylli Haruni. (Spelling in cq)

## Mike Hudson

Fr. Louis Hennepin was a priest, an adventurer and a teller of tall tales who would undoubtedly get a kick out of the fact that, nearly 400 years after his birth, the first art depicting the natural wonder of Niagara Falls is still often mistakenly attributed to him.

Hennepin, a Jesuit, was sent by the King Louis XIV of France to North America with the expedition of Rene Robert Cavelier, Sieur de la Salle in 1675 in order to convert Native Americans to Catholicism. It was a thankless task, and in 1678 he jumped at the chance to accompany LaSalle to the Niagara Frontier.

While he is generally acknowledged as the first white man to see the falls, the only evidence we have for this is his own word. By the time he published his book, "A New Discovery of a Vast Country in Voyage America

(1697), he was the only surviving member of the party.

A woodcut rendered in the book and reprinted many times elsewhere is an inaccurate representation of the mighty Cataract, and for centuries it was believed to have been based on a drawing Hennepin himself made. There is no evidence to support this, and art historians today generally acknowledge the image was executed by a house artist at Hennepin's publisher based on his written description of the falls.

Still, the Hennepin print touched off a veritable Niagara of paintings, drawings and prints depicting the falls, one that has not gone dry to this day.

British Army officer Capt. Thomas Davies became the first man to paint the falls who'd actually seen them, in his 1767 "An East View of the Great Cataract of Niagara," (See related story). But the golden age of Ni-



Niagara Falls, From the American Side is an 1867 masterpiece by Frederic Edwin Church, considered the dean of Niagara Falls painters.

agara Falls art was the 19th century, when two artists – Frederic Edwin Church and William Morris Hunt – vied for supremacy in depicting the natural wonder.

Church was a central figure in the Hudson River School of American landscape painters while Hunt aligned himself with the contemporary but somewhat more effete and French influenced Barbizon School.

Both painters' works are characterized by extraordinary detail, romanticism and luminism. Art historians say the romanticism that was the hallmark of both the Hudson

River and Barbizon schools was a reaction to the Enlightenment, and its boring old devotion to logic and order.

While Church executed just two paintings depicting the falls – one of which now hangs in a British museum – Hunt painted a dozen. Still most critics and historians give Church efforts the nod, though whether this is evidence of reverse snobbery against the Barbizon School and the fact Hunt died a suicide or because they are actually better is a matter of debate.

Today, numerous artists continue in the tradition of Church, Hunt, Davies and whoever drew Hennepin's picture for him. One of those is Ylli Haruni, an Albanian who now calls Niagara Falls home.

His work hangs in the Albanian National Art Gallery as well as many other prominent collections around the globe.

Niagara Falls is one of the most, if not the most, painted landscape in history. The many depictions of the natural wonder have fired the imaginations of generations of tourists, based on the haunting images seen in museums or on picture postcards.



## One Step Forward in Washington – One Step Back in Albany

In mid-April the US Senate passed The Energy Policy Modernization Act of 2016 with a bipartisan vote (85-12). The bill streamlines the process for construction of pipelines on federal land and the natural gas export permit application process, which will help position the United States to lead globally as a clean energy super power, bring affordable energy to U.S. consumers, and create good jobs. It will also increase investment in renewable energies such as wind, solar, and hydropower and amend the Federal Power Act to encourage hydropower development by extending the total period for preliminary permits. The bill has important provisions to incentivize energy efficiency for new state and commercial building construction; including a requirement that the Department of Energy work closely with manufacturers to invest in the research, development and commercialization of updated energy efficient technologies.

However, just one week later, the New York State DEC denied the permit for construction of the Constitution Pipeline in NY. The project was shovel-ready and would have been built under a Project Labor Agreement; ensuring that thousands of highly-skilled and trained construction workers would have job opportunities with family-supporting wages and benefits. The unusual decision to deny a federally-approved project sacrifices the best interests of New Yorkers. Despite the hysteria surrounding pipeline construction, pipelines are the safest way to transport natural gas. The facts that have been completely disregarded are that expansion of natural gas is the best hope for affordable energy in a region with some of the highest energy costs in the nation. Without it, New York cannot meet future energy demands or clean power goals. The scheduled closure of the FitzPatrick nuclear power plant and the proposed closure of the state's three remaining coal plants will take enough energy offline to power more than a million homes. The closures combined with anticipated increases in demand and EPA goals to reduce emissions by 10 percent will create a shortfall of 29 million megawatt hours by 2030. Fully two thirds of New York's clean energy requirements could be met by using natural gas: without it and projects like the Constitution Pipeline, there is not a realistic scenario for meeting these goals or keeping the lights on. Instead of considering what is in the best interest of the people of the great state of New York, the decision by the NYSDEC undermines the economy, progress on clean power, and access to affordable energy.



*A question from one of our readers in a quandary.*

*I had an auto accident about a year and one half ago and I went to an attorney who is seen on billboards in this community.*

*I was told that I would pay a contingency fee and not an hourly rate. Could you explain what that means. [I think I know but I am not sure] If I do not get a settlement or win the case, will I have to pay any money? What other expenses should I expect to pay? My lawyer said I might expect to win an award of \$1 million.*

*How much would I take home after legal fees and expenses?*

*The reason I am asking these questions is that when I first went to see this attorney he was very forthright and took my calls but once I signed the retainer agreement it is very hard for me to reach him and he does not return my calls.*

*Is this usual?*

*Also he is not handling the case and an assistant is taking care of it and the assistant is very young. I feel a little bit chagrined since I thought I was hiring the main attorney and now I have a young man who is nice but can't answer any of my questions. That's why, judge, I have turned to you to ask you these questions.*

*Had I known about you at the time of the accident I would have gone to you.*

*Thanks*

*Caroline*

Dear Caroline:

I certainly understand your situation, so allow me to explain what is supposed to happen.

The fee is called a contingency because it is contingent, or depending upon, a particular outcome. In these cases, the fee only comes into play if you win your case. So you only have to pay the lawyer if you win after trial or receive a settlement. If that happens, you would only pay your attorney one-third or 33.33% of the award. The remaining 66.67% is yours. That is true even if you were to drop this lawyer and retain new counsel. The lawyers would have to determine how to split the 33.33%; the rest is still completely your



Judge Frank R. Bayger

property.

That is how the legal fees should be addressed. Expenses may be handled somewhat differently, depending upon the preferences of your attorney. Some lawyers may require you to come up with the funds for legal expenses yourself. Obviously, that is not ideal for everyone, and may discourage you from pursuing your case.

In my practice, I believe the poorest person is entitled to the same access to justice as the richest person. The contingency fee is well suited for this because it does not require any up-front cash from you. When I take on a case, I take on all of the risk of losing. The costs of court fees, preparing the case, (including obtaining witnesses) is borne initially by my firm. If we win, we will recover our costs out of your share of the settlement, but that is only if we win. If we lose, you are not out-of-pocket for anything. All of this should be disclosed to you when you initially consult with an attorney after an accident.

It is unfortunate that you have been poorly treated by your attorney. I believe every phone call should be returned because this is your life that is effectively on hold because of this accident. The assurance of your attorney should go a long way to alleviate your anxiety, and being ignored at this time only increases your stress. A good attorney will always care about your physical and emotional needs, as well as your legal concerns.

(Retired State Supreme Court Justice Frank R. Bayger is inviting you to submit legal questions pertaining to personal injury or wrongful death cases to him for a published response. Email your questions to Judge Bayger, a Hall of Fame trial lawyer, and the judge will respond in writing in the Niagara Falls Reporter. Send your email to [frankrbayger@gmail.com](mailto:frankrbayger@gmail.com).)

### LEGAL NOTICE

**PINE FUEL STATION LLC**, filed Articles of Organization with the NY State Secretary of State ("NYSSS") on April 19, 2016; the LLC is located in Niagara County; NYSSS is designated as agent of the LLC upon whom process against it can be served; a copy of any process served upon NYSSS will be mailed to the LLC at 2251 Forest Avenue, Niagara Falls, NY 14301; the purpose of the LLC is to engage in any lawful act of activity.

4/28/16, 5/5/16, 5/12/16, 5/19/16, 5/26/16, 6/2/16

### LEGAL NOTICE

**ZANDER PROPERTIES LLC**, filed Articles of Organization with the NY State Secretary of State ("NYSSS") on April 20, 2016; the LLC is located in Niagara County; NYSSS is designated as agent of the LLC upon whom process against it can be served; a copy of any process served upon NYSSS will be mailed to the LLC at 2902 Pine Avenue, Niagara Falls, NY 14301; the purpose of the LLC is to engage in any lawful act of activity.

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  - Choice of two side options (Pasta and Sauce, Roasted Red Potatoes, Mashed potatoes, Mixed Vegetables)
  - Salad and Rolls with Butter - \$12.95
  - Choice of Three Meats from above - \$14.95
  - Mixed Veggie Tray - \$35 per 40 people
  - Cheese and Cracker Tray - \$50 per 40 people
  - Bar Packages**
  - Cash Bar - \$50 for bartender
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# Obama And Clinton: Hypocrisy Or Lies, At Their Best ?!



**J. Gary DiLaura** **The Right Side**

Merriam Webster defines hypocrisy as “the behavior of people who do things that they tell other people not to do: a feigning to be what one is not or to believe what one does not; especially : the false assumption of an appearance of virtue or religion”! Wow, if that doesn’t define this president, that Hillary is going to emulate, I don’t know what does!

Obama, and others, openly say that Trump is a bigot, un-American, a racist and more because he intends to stop Mexicans and Muslims from entering our country. First place, that’s NOT what Trump is saying. He wants to stop “illegal” Mexican entries and all Muslims, temporarily.

Obama says it’s “unconstitutional”, REALLY?! I did a little research and want to share with you what I found!

**YOU’RE GOING TO LOVE THIS!!**

All Trump is really saying is that he intends to utilize Obama’s Proclamation of August 4,

2011!!!

Please... allow me to prove it!

The Immigration and Nationality Act of 1952 known as the MaCarran Walter Act ( both Democrats) says, the “Suspension of entry or imposition of restrictions by the president... Whenever the president finds that the entry of aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, the president may, by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrant’s or impose on the entry of aliens any restrictions he may deem to be appropriate.”

President Jimmy Carter, in 1979, by proclamation enacted the Act to stop Iranian Muslims from entering the US! He forced all Iranian students to register and then deported 15,000 Iranian, Muslim students!

The Act also states that an applicant for immigration must be of good moral character and “attached to the principles of the Constitution”.

Since the Quran forbids Muslims to swear

allegiance to the U.S. Constitution, ALL Muslims should be refused immigration, just like Japan does! Period!!

It gets better yet! On August 4, 2011:

“By the President of the United States of America

A Proclamation (8697)

The United States enduring commitment to respect for human rights and humanitarian law requires that its Government be able to ensure that the United States does not become a safe haven for serious violators of human rights and humanitarian law and those who engage in other related abuses... (see act for lengthy dissertation) I therefore have determined that it is in the interests of the United States to take action to restrict the international travel and to suspend the entry into the United States”...of certain people(my words)

“Now, Therefore, I, Barack Obama, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 212(f) of the Immigration and Nationality Act of 1952, as amended

(8 U.S.C. 1182(f)), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would be detrimental to the interests of the United States. I therefore hereby proclaim that:

Section 1. The entry into the United States, as immigrants or nonimmigrants, of the following persons is hereby suspended: (a) Any alien who planned, ordered, assisted, aided and abetted, committed or otherwise participated in, including through command responsibility, widespread or systematic violence against any civilian population based in whole or in part on race; color; descent; sex; disability; membership in an indigenous group; language; religion; political opinion; national origin; ethnicity; membership in a particular social group; birth; or sexual orientation or gender identity, or who attempted or conspired to do so.” And ,much, more!

WOW! OBAMA SAID THAT? MAYBE HE FORGOT? OR...IS HE A LYING PIECE OF HYPOCRITICAL CRAP?



“Such was the will of the Father that his Son, blessed and glorious, whom he gave to us, and who was born for us, should by his own blood, sacrifice, and oblation, offer himself on the altar of the cross, not for himself, by whom “all things were made,” but for our sins, leaving us an example that we should follow his steps.”

St Francis of Assisi

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# Important Information for Patients of Dr. Gosal

## Patients Advised to Seek Treatment from Primary Care Physicians



Dr. Eugene Gosal's practice was shuttered by a federal indictment that many are saying is unjust. However many patients with legitimate need for pain relief were left without help.



Innocent Until Proven Guilty  
 "What [the government has] done is elevate something that is nothing more than a billing dispute with Workers Comp into what they call health care fraud," Gosal's attorney Joel Daniels said. "Every patient was seen. Every patient was examined."  
 "We will show, without any question, that every script that the government's talking about in their 27-page, 114-count indictment was issued for a legitimate medical purpose. I tell you every chart will back that up."  
 "We believe Dr. Gosal should be applauded and not indicted," Daniels said.

ERIE COUNTY, NY— In the wake of the closure of Dr. Eugene Gosal's practice, patients in need of pain management treatment are advised to proceed as follows: Seek care from your Primary Care Physician ("PCP")

If you do NOT currently have a PCP, seek treatment from a Federally Qualified Health Center ("FQHC") that is currently accepting new patients for primary care

To identify a dedicated pain management specialist, patients can call the customer service number listed on the back of their insurance card.

For additional information about and to find a FQHC location, visit: <http://www.fqhc.org/find-an-fqhc/> and <http://findahealthcenter.hrsa.gov/index.html>

# Warhol Portrait To Be Sold Here To Raise Money For Fallen Soldiers' Portraits



Kaziah Hancock is an artist who has committed to painting portraits of American fallen soldiers. Over the years Kaziah has painted more than 800 portraits which she gifts to the families of the slain.

She took a break recently to paint this portrait of Andy Warhol to help raise money to buy canvas and paint to paint more pictures of Americans who died serving this nation. Bill Cowell, founder of the Buffalo Niagara Film Festival,

honored Kaziah and displayed both her art and an independent film made about her work last month at his Film Festival.

Cowell also has the Warhol painting which he hopes to sell for Kaziah and her cause. Contact Bill if you would be interested in making an offer on this intriguing portrait of American artist Andy Warhol. Bill can be reached at 716-432-1065.

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- + EXPLOSION - IMPROPER MAINTENANCE OF MACHINE - \$3 MILLION RECOVERY (BEFORE TRIAL)
- + CONSTRUCTION ACCIDENT - \$3.5 MILLION RECOVERY (DURING TRIAL)
- + CAR CRASH - DEATH AND SEVERE FACIAL SCARRING - \$3.9 MILLION (VERDICT)
- + CONSTRUCTION ACCIDENT - \$7 MILLION (VERDICT)
- + CAR AND TRUCK CRASH - \$7.5 MILLION RECOVERY (DURING TRIAL)
- + PRODUCT LIABILITY - \$7.5 MILLION RECOVERY (DURING TRIAL)
- + FALLING TREE ON AUTOMOBILE - \$8 MILLION RECOVERY
- + AIRPLANE CRASH - UNSAFE LOAD OF STEEL COILS - \$10.5 MILLION RECOVERY (BEFORE TRIAL)
- + LIBEL - \$18.5 MILLION (VERDICT)
- + MEDICAL MALPRACTICE - \$35 MILLION RECOVERY (DURING TRIAL)

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